

James R. Mountain
Governor



Pueblo de San Ildefonso

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HEALTH, EDUCATION, LABOR, AND PENSIONS" (HELP) SENATE HEARING ON- NO CHILD LEFT BEHIND ACT SANTA FE INDIAN SCHOOL AUGUST 10, 2007

Honorable Senator Jeff Bingaman,

I am James R. Mountain, Governor of Pueblo de San Ildefonso. I am also the Chairman of the Eight Northern Indian Pueblos Council, Inc. Board of Governors. I am honored and it is my pleasure to have this opportunity to come before this Committee on behalf of my Pueblo People and share my thoughts and concerns about the impacts of the No Child Left Behind Act.

While we appreciate the intent of the Act, it is having tremendous unintended consequences. I want in the essence of time to focus on three areas as I know others will focus on teacher quality, testing, adequacy of funding, and the problems with standardized tests amongst other important and challenging issues.

I want to begin by attempting to paint the landscape before No Child Left Behind by asking a few questions to put it into a context and draw some conclusions from these questions.

COMPOUNDING EFFECTS/AFFECTS OF NO CHILD LEFT BEHIND ON THE EXISTING FAILURES YET TO BE RESOLVED

If states like New Mexico were already underachieving and their schools seriously failing our Indian children as is evident by every conceivable measure before No Child Left Behind (NCLB), "What could we reasonably conclude if the State argues that NCLB is compounding its situation with all other students?" "If the State is arguing that it cannot meet the demands of the unfunded mandates and we have argued that there has never been adequate funding to meet the needs of our Native children before NCLB, what else can we possibly delineate from this fact?" If before No Child Left Behind, we argued that the standardized tests being used were culturally biased, then what now are we left to presume with the focus of testing under the new law?" And

now that there is a shift in the paradigm and the State as a matter of policy and with explicit language in the laws, accepts the fact that native language, culture and our history are important ingredients in our children's education and under NCLB, there is increased focus on reading, writing and math, which are the focus subjects tested under the law, "What can we reasonably conclude with how teaching native language, culture and our history will be treated?" "How is the treatment of language, alone, that has been exemplified by language prohibition and relocation policies and laws, any different now, then the federal policies of the past?" Parents are making the same difficult choices our people were forced to make 30-40 years ago with devastating results that haunt us today. And, "what can we reasonably conclude from the first Public Education's Department's 2005-2006 Education Status Report that reflects that every one of the 23 predominately Indian school districts failed to meet Adequate Yearly Progress?" And 17 of the 23 school districts were designated as School Improvement districts for the 2006-2007 school year?

This alone should compel the State to opt out of the No Child Left Behind Act. No Child Left Behind is in fact having the opposite affect of its supposed intent by leaving too many of our children behind at a tremendous cost and loss of our social capital, which is of utmost importance to the well being of our future. It is morally and legally indefensible to allow this to happen.

INCREASE IN DROP OUT RATES AS THE FIRST INDICATOR OF FAILURE - *"THE SILENT EPIDEMIC"*

The ultimate tale of the effects of No Child Left Behind is reflected in the increasing rates of student dropouts and is being witnessed more and more often at an earlier age.

The drop out rate for Native Americans is higher then the State average. It has often being called "the Silent Epidemic." Under No Child Left Behind in 2005, you sponsored an attempt to restore funding for school dropout prevention programs that was targeted to be eliminated. In fact, it has been significantly reduced at a time when the need is at the highest point. The Administration argued that the loss of the drop out prevention dollars could be made up by using Title I funds for prevention. You stated that it was clear, that to allow use of Title I funds is insufficient to stem the tide. The ETS report which you cited in 2005 concluded that the failure to provide adequate resources for school dropout prevention is "**social dynamite**." The response on the part of this Administration since the inception of No Child Left Behind has moved in the wrong direction. Its response is horribly inadequate and a breach of its fiduciary and "Trust" obligation.

The impact of dropouts in our small communities at 6% can be devastating and the impact over time greatly magnifies. Ten dropouts in a community of less than 600 over 10 years is 60 people. These 60 people have relationships and this impact then has a domino effect and begins to double. If the mean income of a drop out is less than \$23,000 per year, then it becomes evident to recognize that families cannot adequately survive. This then begins to create a vicious cycle that is hard to break. These dropouts become a critical mass of change agents in small communities. The economic impact is devastating and our small communities are not immune.

Senator Bingaman as you stated, "...an educated workforce is the foundation for our future economic strength."

With the skyrocketing costs of living, the diminished level of support by IHS for health care, the costs of gas and transportation, the high unemployment rates, "how are these people ever going to have a realistic chance at enjoying a true quality of life in one of the richest countries in the world?"

This Administration's rationalization with how to make up for the lack of funds by robbing Peter to pay Paul brings up my next point.

INEQUITABLE DISTRIBUTION OF RESOURCES

This present scenario with regard to school funding brings me to the next related point. As the Administration argued that the loss of dropout prevention dollars could be made up with Title I dollars, it is precisely how in a state like New Mexico, it perpetuates an indefensible behavior of abuse in the use of resources inconsistent with legislative intent adding to the widening disparities. There is already a tremendous inequity at the state and local levels stemming from the blatant abuse in the use of federal dollars intended to be utilized to address the glaring unmet needs of our Indian children instead of supplanting their operating budgets.

Recent legislative audits of school districts and their use of state bilingual funds revealed such abuses. As a result of years of extensive field hearings conducted by Congress, it has been concluded that there were tremendous unmet needs of Indian children in public schools, Congress increased the base funding for the regular program by 25% and 50 % for special education programs. After Tribal Leaders and school Administrators argued that the additional add-on of 25% to the regular program and 50% for special education programs should be exempted from the Equalization Formula to be utilized to address those needs as determined jointly by the local LEA and local Indian Education Committees as required, the recent reports reflect that those exempted resources are utilized for everything else except to enhance programs for our native children with very little or no involvement by the local Indian Education Committees.

"New Mexico First" Recommendations

In conclusion, New Mexico First which you and Senator Domenici created to bring New Mexicans together to deliberate on issues important to New Mexico's future convened a Town Hall Meeting in 1998 to focus on American Indian issues in New Mexico. To the surprise of no one, it prioritized the unmet needs of Indian children in education as the immediate concern.

Among the seven recommendations, below are two priorities that continue to elude us.

- 1) Quality education should be consistent regardless of the child's community or location of the school, with particular emphasis on improving American Indian student achievement.

- 2) Tribal leaders and all educational leaders should examine state funding for public schools and the factors taken into consideration to equalize funding for all schools serving American Indian students.

While we have made great strides in recent years, our inability to resolve these fundamental and substantive issues can only bring us to the conclusion that No Child Left Behind significantly compounds an already difficult set of circumstances that adversely affects our tribal communities and severely diminishes our children's likelihood of reaching their full potential and realizing success in these school systems. It expands into an area where there has been very little discussion and it therefore becomes the very essence of infringement upon our tribal sovereignty. We are caught up in a web that indirectly neutralizes and minimizes our fiduciary responsibility to provide a meaningful and fully effectuating quality of education for our children. Fulfilling our vision and mission of education for our purposes have never been so far removed as I feel it is today, as a result of usurping our rights in the governance and funding of school programs.

I thank you for the opportunity to share my thoughts and concerns Senator Bingaman and thank you for the opportunity you are providing through this forum to contribute towards a better and enlightened understanding regarding the scope of the impact of No Child Left Behind Act upon my Pueblo students and my people.

Sincerely,

A handwritten signature in black ink that reads "James R. Mountain". The signature is written in a cursive, flowing style.

James R. Mountain
Governor